

In the currently outstanding non-final Official Action, the Examiner has:

1. Identified the following four (4) Groups each of which he alleges to contain enumerated patentably distinct species:

Group I, Wave Plate Structures - Species (a) Ridge lines or valley lines (see for example Claim 41).

Species (b) Ridge Lines and valley lines (see for example Claims 44 and 45).

Group II, Side portions comprising a supporting member:

Species (c) Upper Side in combination with a lower side (see for example Claim 46).

Species (d) Front Side in combination with a trailing side (see for example Claim 47).

Group III, delays in phase timed to motion of:

Species (e) Outer wing tip section (see Claim 58).

Species (f) Root of the wing (Claim 60).

Group IV, Prescribed Parameter:

Species (g) A lift forces generated by the upward and downward motion of the wing portion relative to the body.

Species (h) A value obtained by dividing a lift force generated by the motion of the wing portion by a torque necessary for driving said wing portion so as to generated a desired lift force.

Species (i) The highest frequency of said driving unit necessary for realizing said optimum upward and downward motion of said wing portion.

2. Required the Applicants to elect one species from each of the foregoing Groups under 35 USC 121 for prosecution on the merits to which the claims shall be restricted in the event that no generic claim is found to be allowable.
3. Required Applicants to list all of the pending claims that are deemed to be readable on the elected species;
4. Indicated that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims directed to additional species, which are written in dependent form or otherwise include all of the limitations of the allowed generic claim.
5. Indicated that Claim 40 is deemed to be generic.

At the outset, Applicants thank the Examiner for the courtesy accorded to their undersigned representative during telephone interviews conducted for the purposes of (a) confirming the time for response to the currently outstanding Official Action, and (b) confirming that the Examiner's intent in the currently outstanding Official Action was that the Applicants make a species election for each of the Groups defined in the currently outstanding Official Action as opposed, for example, to an election of a single species from all of the species identified in the currently outstanding Official Action.